



Cullen and Dykman LLP
The Omni Building
333 Earle Ovington Blvd, 2nd Floor
Uniondale, NY 11553
T: 516.357.3700
F: 516.357.3792

Ryan Soebke

Associate
Direct Dial: 516-357-3784
Facsimile: 516-357-3792
rsoebke@cullenllp.com

January 25, 2024

VIA ELECTRONIC FILING

Honorable Paul A. Crotty
United States District Court Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *Francis Austin v. Fordham University*
Case No. 1:23-cv-04696-PAC**

Dear Judge Crotty:

This firm represents defendant Fordham University (“Fordham”) in the above-referenced action. We write in response to Plaintiff’s letter dated January 24, 2024 regarding the parties’ failure to agree on the terms of a Stipulation and Proposed Confidentiality Order (the “Confidentiality Order”). Specifically, Fordham opposes Plaintiff Francis Austin’s (“Plaintiff”) request to include language in the Confidentiality Order which would grant Plaintiff the unfettered right to mark documents “Attorney’s Eyes Only.”

While Plaintiff indicates in his letter that this designation would only be used on sensitive medical documents and would only apply to Third-Party Defendant Patrick Sweeney (“Sweeney”), this is not made clear in the proposed Confidentiality Order attached to Plaintiff’s letter. Further, while Plaintiff states in his letter that marking documents Attorney’s Eyes Only “does not preclude any designated documents’ full and free use at deposition or trial” that is also not made clear in the proposed Confidentiality Order.

Fordham simply seeks to ensure that it is able to review and analyze all documents relevant to this matter, including Plaintiff’s medical documents, as it prepares its defense. Fordham also wishes to preserve its right utilize any such relevant documents, including but not limited to, at future depositions, including Sweeney’s deposition, and a trial. As such, Fordham respectfully requests a conference before Your Honor to address this issue.



Thank you for your courtesies in this matter.

Respectfully,

/s/ Ryan Soebke